

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

STERLING R. RIVERS,)	
)	
Plaintiff)	
)	
v.)	No. 3:12-0538
)	Judge Sharp/Bryant
)	Jury Demand
EDWARD KARPELLS, <i>et al.</i> ,)	
)	
Defendants)	

TO: THE HONORABLE KEVIN H. SHARP

REPORT AND RECOMMENDATION

Pending in this case is Defendants' Motion for Sanction of Dismissal (Docket Entry No. 70). As grounds, Defendants assert that Plaintiff Rivers, who is proceeding *pro se*, has failed to comply with the Court's order requiring Plaintiff to keep the Clerk's office informed of his current address. Defendants rely upon several pieces of correspondence mailed to Plaintiff Rivers at his address of record, and returned by the post office as undeliverable.

During the pendency of this motion, Plaintiff Rivers filed a notice of change of address (Docket Entry No. 71), suggesting that Plaintiff Rivers is currently in custody at the Federal Correctional Institution in Edgefield, South Carolina.

Because dismissal of a lawsuit is an extreme remedy and generally not favored, and further because Plaintiff Rivers apparently has now cured his failure to keep the Clerk informed of his current address, the undersigned Magistrate Judge finds that

Defendants' Motion for Sanction of Dismissal (Docket Entry No. 70), should be DENIED, but that Plaintiff Rivers should be admonished once again that failure to keep the Clerk informed of his current address may result in dismissal of his complaint.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that Defendants' Motion for Sanction of Dismissal be DENIED, and that Plaintiff Rivers be admonished again of the need to keep the Court informed of his current address.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 18th day of August, 2014.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge